

House Bill 943

By: Representatives Knox of the 24<sup>th</sup>, Murphy of the 23<sup>rd</sup>, Hill of the 21<sup>st</sup>, and Everson of the 106<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 1 of Title 22 of the Official Code of Georgia Annotated, relating to eminent domain in general, so as to specify the purposes for which the power of eminent domain may be used to include transportation and utility purposes; to provide that eminent domain shall not be used for other governmental purposes and shall not be used for economic development or redevelopment; to provide for construction with other laws and construction in general; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 1 of Title 22 of the Official Code of Georgia Annotated, relating to eminent domain in general, is amended by striking Code Section 22-1-2, relating to the nature of the power of eminent domain, and inserting in its place a new Code section to read as follows:

"22-1-2.

(a) The right of eminent domain is the right of the state, through its regular organization, to reassert, either temporarily or permanently, its dominion over any portion of the soil of the state on account of public exigency and for the public good. Thus, in time of war or insurrection the proper authorities may possess and hold any part of the territory of the state for the common safety; and in time of peace the General Assembly may authorize the appropriation of the same to public purposes, such as the opening of roads, construction of defenses, or providing channels for trade or travel.

(b) The power of eminent domain shall be exercised only as specifically authorized by law, as follows:

(1) The state and counties and municipalities may exercise the power for purposes of public roads and streets and for public transportation purposes; and

(2) The power may be exercised for purposes of public utilities and pipelines to the extent specifically authorized by law by the state and counties and municipalities; by state and local authorities created by law; and by private persons so authorized by law.

1 (c) No unit of state or local government or state or local authority may exercise the power  
2 of eminent domain for governmental purposes other than those specified in subsection (b)  
3 of this Code section.

4 (d) Economic development or redevelopment shall not constitute a public purpose for  
5 which property may be acquired by eminent domain.

6 (e) To the extent possible the provisions of this Code section shall be construed in  
7 harmony with all other laws of this state, but in the event of any conflict between this Code  
8 section and any law enacted prior to January 1, 2006, it is the intention of the General  
9 Assembly that this Code section shall control over such conflicting law. In any doubtful  
10 case, all laws of the state shall be construed to favor the protection of private property  
11 rights over the public right of eminent domain."

12 **SECTION 2.**

13 All laws and parts of laws in conflict with this Act are repealed.